

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18578-2016 (O&M)

Date of decision : 27.09.2016

Khushi Mohd.

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Jagdev Singh.

Mohd. Yousaf, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.0034 dated 05.05.2016, registered under Sections 295A, 408, 418 and 120-B of the Indian Penal Code and Section 6 of the Place of Worship (Special Provisions Act), 1991, at P.S. City-II, Malerkotla, Distt. Sangrur.

Heard.

On 26.05.2016, the following order was passed:-

“Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner-Khushi Mohd. in case FIR No.0034 dated 05.05.2016 for offences punishable under Sections 295-A, 408, 418 and 120-B IPC read with Section 6 of the Place of Worship (Special Provisions Act) 1991 registered with Police Station City-II, Malerkotla, District Sangrur.

The allegations are that co-accused Abdul Rashid fraudulently claimed himself to be the owner in

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authenticity of this document
Chandigarh

possession of 144 sq. yards of land recorded as Kabaristan, based on an alleged oral agreement in the year 1962 executed in his favour by one Mohd. Ashraf, who has since migrated to Pakistan. Based on the said oral gift deed, co-accused Abdul Rashid is alleged to have executed two gift deeds dated 7.5.2014 in favour of his coaccused son-Ikhlaq Qureshi and co-accused-Mohd. Abrar transferring half share each of the aforesaid land. Two shops along with some vacant area stands constructed on the land in question.

The petitioner-accused vide rent deed dated 10.06.2014 was inducted in one of the shops by co-accused Mohd. Abrar. Petitioner is also one of the signatories as an attesting witness to the aforesaid two gift deeds dated 7.5.2014. Hence the petitioner has been nominated as an accused being a part of the conspiracy to usurp and being in possession of the Wakf Property.

It is contended that merely because the petitioner is a attesting witness of the gift deeds dated 7.5.2014 and is in possession as a tenant, no offence would be made out against him.

Notice of motion for 22.08.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the

merits of the case, the interim bail granted by this Court vide order dated 26.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No